

SPEECH

OF

MR. BADGER, OF NORTH CAROLINA,

ON

THE TERRITORIAL QUESTION,

AND

AGAINST SECESSION, DISUNION, AND FORCIBLE RESISTANCE ON ACCOUNT OF THE WILMOT PROVISIO—AND FOR THE UNION AND THE CONSTITUTION, AND FOR CONSTITUTIONAL REMEDIES IN THE UNION.

IN THE SENATE OF THE UNITED STATES, AUGUST 2, 1850.

The Senate having under consideration the bill for the admission of California into the Union, and the pending question being on the amendment offered by Mr. Foote—

Mr. BADGER said: I do not propose, Mr. President, to add an obituary notice to those that have been already delivered in the chamber upon the *late* bill for the admission of California, and for other purposes, nor to enter at all into the investigation as to the mode of treatment pursued with it, or to inquire whether its untimely death is really to be attributed to the mistaken administration of remedies by its friends, or to the infusion of poisonous matter into it by its enemies; but, as the yeas and nays have been called for upon the amendment, and have been ordered by the Senate, and as I shall give a vote contrary to my individual wishes and opinion, often expressed in conversation with my friends, I desire to bring to the consideration of the Senate, as briefly as I can, and yet so that they may be distinctly understood, the reasons which will govern me in giving that vote.

The present amendment, Mr. President, if I understand it aright, proposes to take from California, which this bill will admit as a State, a certain portion of the territory included within the boundaries established for that State by herself. Now, sir, I wish, in the first place, to say that, for myself, I much prefer California, if admitted at all, admitted with the whole extent of boundary which she claims. I prefer it because, if we are to have a free State upon the Pacific, without any arrangement of compromise or compensation, it is far better to have one than two free States there; and, although I know that if California be admitted as a State, with un mutilated dimensions, it is competent for Congress, with the consent of that State, at any time to establish another within her limits, and though I think it very probable, that at no distant day, that result will be produced, yet, sir, it is obvious, at least it seems obvious to my mind, that, by admitting California with a portion of territory cut off as proposed by this bill, we shall invite, encourage, and at once precipitate upon ourselves the establishment of another free State upon the Pacific.

But further, Mr. President, I am not desirous of adding to the number of these States, whether the addition be of free or of slaveholding States. I look upon it as a great calamity that the country should be placed in a situation which makes it necessary that other States shall be admitted into the Union. I think the value of a place in this Union is in the inverse ratio of the number of States that compose it: the smaller the number the greater the honor, the power, the influence, the relative strength in the Union of the different members that compose it; and, if my own wishes could prevail, there should never be another State added to it from this day forth to the end of time.

But, sir, upon this, as upon every other subject, I desire to act like a practical man, looking at the condition of things in which the country is placed—considering not what is the desirable merely, but what is the practicable; not what would be the best in itself, but what is best relatively, by being a less evil than something else. Hopeless, therefore, entirely hopeless, in the

possible accomplishment of what I desire, of having the number of these States fixed—fixed at present and forever—the question which is presented for consideration in this amendment, as affecting this bill, offers, I think, these alternatives, to admit one State upon the Pacific, with a possibility or a probability that another will soon be there, or to admit one State upon the Pacific, with a provision in the very bill for her admission which almost necessarily and certainly draws after it the admission of another. This, Mr. President, is the view which I have taken, both as a Southern man and as an American—considering both what I would desire for that portion of the country in which I live and from which I come, and what I would desire in that far higher and nobler sense—considering myself a citizen of this great American Republic. In either view, I myself prefer, if California is to be admitted, that she should be admitted with the whole of her boundaries—the larger the better for me. But, looking at this matter as a practical man, and in reference to other considerations, I am not disposed to persist in the view of the subject which strikes me as being in itself the best. Southern gentlemen here think that if California is admitted—if California comes into the Union by a separate and independent measure, that admission will be more acceptable to the people of the South, to the Southern country generally, if she comes in shorn of her vast size and present dimensions. Well, if so—if any considerable body of people will be pleased by that arrangement—if it will tend to make the Southern portion of this Union either better satisfied or less discontented with whatever may be the issue of the proceedings of this session of Congress—I set no such value upon my own opinion upon that subject, and by no means esteem so highly what seems to me to be on the whole the best, as to refuse to concur in such an amendment. Gentlemen have expressed the opinion that the admission of California—the simple admission of California by itself—the passage of the Wilmot proviso in a Territorial bill—the abolition of slavery or the slave trade in the District of Columbia—one or all—will produce a spirit which will or may lead to forcible resistance in some one or more of the Southern States. If they have such an opinion with regard to the effect of the admission of California without a diminution of her size, it affords to them, of course, still higher motives for pressing the reduction now before the Senate. I do not undertake to refer at all to what may be the state of opinion upon that subject in any other portion of this Union than that State one of whose representatives on this floor I am. One or two Senators yesterday—I think the Senator from Virginia, (Mr. MASON)—without naming North Carolina particularly, by a general description, seemed to include her among those States which have, by some public act, or in some other authentic manner, determined upon resistance to some or all of these measures. Now, repeating what I have had occasion to say heretofore, and what has been several times said by other gentlemen, that I claim no right as a Senator here to consider or decide in that character, or as an individual of my State, when or how, or for what reasons, or under what circumstances, or with what measure of resistance any of the proceedings of this Government will be met, I still must say that no gentleman is authorized, by any public act done in North Carolina, to pronounce that she, in her capacity as a State, or her people as a collective mass of individuals, have at any time resolved or intimated that, upon the adoption of any or all of these measures, they would resort to any opposition, either directly or indirectly, threatening the dissolution of this Union. I presented last session to the Senate resolutions adopted by the Legislature of my State, concerning these slavery questions, and they were printed. I beg the indulgence of the Senate, while, in order to make myself understood, I read certain of these resolutions:

3. *Resolved*, That we view with deep concern and alarm the constant aggressions on the rights of the slaveholder by certain reckless politicians of the North; and that the recent proceedings of Congress on the subject of slavery are fraught with mischief, well calculated to disturb the peace of our country, and should call forth the earnest and prompt disapprobation of every friend of the Union.

4. *Resolved*, That the enactment of any law by Congress, which shall abolish slavery or the slave trade in the District of Columbia, or shall directly or indirectly deprive the citizens of any of the States of the right of emigrating with their slave property into any of the Territories of the United States, and of exercising ownership over the same while in said Territories, will be an act not only of gross injustice and wrong, but the exercise of power contrary to the true meaning and spirit of the Constitution, and never contemplated by the framers thereof.

5. *Resolved*, That while we do not intend hereby to be understood as conceding that Congress has the power, under the Constitution, to enact a law prohibiting slavery in any portion of the Territories of the United States, yet, for the sake of preserving the peace and promoting the perpetuity of the Union, we are willing that the basis of the Missouri Compromise should be adopted in reference to the recently acquired Territories of New Mexico and California, by extending the line then agreed upon to the Pacific ocean.

6. *Resolved*, That we believe the people of North Carolina, of all parties, are devotedly attached to the Union of the States; that they regard it as the main pillar in the edifice of real independence; the support of tranquility at home, of peace abroad, of safety, of prosperity, and of that very liberty they so highly prize; that they cherish a cordial, habitual, and immovable attachment to it, and that they watch for its preservation with jealous anxiety; that they believe it is the duty of their public servants to discountenance whatever may suggest even a suspicion that it can in any event be abandoned, and to repel indignantly every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

Now, I say that though the Legislature of North Carolina have spoken, as they had a right to speak, the feelings and opinions which they entertained and cherished upon these vexed and debated subjects—have spoken them in manly, distinct, and fearless terms—that Legislature has

not only given no countenance to the idea that they would consider any or all of the measures against which they protest as the grounds for dissolving or for weakening this Union by any act of theirs, but they have, by their concluding resolution, expressed the contrary in language unmistakeable, for they have declared that the Union is not to be looked upon as "*in any event* to be abandoned." And whatever deduction is to be made from the force of that broad and comprehensive expression, "*in ANY EVENT*," it is certain that, in their view, neither one nor all of the measures against which they protested as unjust and oppressive would constitute an event to justify an abandonment of the Union. It is as clear and undeniable as any conclusion of a well-formed syllogism that the Legislature of North Carolina have declared this: "we protest against what we deem a spirit of aggression and injustice; we shall view certain acts of legislation on the part of the Congress of the United States as unjust, and as contrary to the true spirit of the Constitution, as not designed or looked to by the framers of it; but, unjust as they are, contrary as we believe them to be, to the true and proper spirit in which the Government should be administered, either separately or all put together, would not furnish an event in which this Union ought to be abandoned." This is the sentiment, clear and unmistakeable.

I have heard this subject alluded to often. I have heard observations made, implying that, by some act or acts, the State which I have the honor to represent here had pledged herself in some mode or form to take some course directly tending or indirectly looking to a dissolution. I have long desired to put this matter right before the Senate and the country. I have availed myself of the present opportunity to do it. It seems to be fit, proper, and germane to the subject now under consideration.

I have said that no one is authorized to pronounce for the State of North Carolina that this legislation would produce any such results as I have referred to. I go further. I believe—I do not propose to speak the voice of North Carolina upon that subject, I give my own opinion, and but my own opinion, just for what that opinion is worth, independent of these resolutions—nay, I have no doubt that the people of North Carolina will refuse, for any such cause, to embark in any proceedings which, either directly or indirectly, look or tend to a dissolution of the Union. This is my clear and decided opinion. In the first place, strong as my opinions are upon this subject—looking with a degree of abhorrence, which I want language to express, upon movements that have been made in reference to this delicate and much-agitated slavery subject—feeling as I do, as a Southern man, that we have much to complain of in our friends upon this floor, who have been unwilling to make the smallest sacrifice, not of principle, but the smallest sacrifice of pride, the smallest sacrifice of any thing, for the purpose of yielding the smallest boon that men have ever asked from their equals—yet, looking upon this conduct as I do, as I cannot but look at it, I say that, in my judgment, it constitutes no case to justify, excuse, or palliate a measure calculated to put this Union in jeopardy. When I speak about the dissolution of this Union, I do not consider myself as arguing about the dissolving of a contract for the building of a house, or the supply of so many thousands of shingles, or of a mercantile partnership to transact business for the pecuniary benefit of the partners—I do not consider it as a question of dissolving a "*confederacy*," as this Union is so often emphatically called upon this floor; I do not look upon this Union as a confederacy, a league. From the day that the Constitution of the United States was adopted, it became a union of Government. The Constitution is a constitution of Government, and not a Confederacy in any proper and just sense of that term. The Constitution speaks of our connexion not as a Confederacy, but as a Union, and of itself not as articles of a league between the States, but as a Constitution established by the people. Ours is a national Union, consummated by the Constitution into a national Government. When I am thinking or speaking about the causes which will justify a movement for the purpose of dissolving such a Union under such a Government, I consider myself as bound to make out a case which would justify my resistance to the State Government under which I live. It must be a case of abuse, of oppression so great, as that not only shall the just and reasonable limits of power be overpassed, but the consequence of submission must be more intolerable than that which attends resistance. When we look abroad upon this country, I cannot consider the dissolution of this Union otherwise than as an event fraught with the most frightful consequences to the people of every portion, and to the people of my own, followed with inevitable and irremediable ruin. That is my opinion—that is my settled conviction.

Now, sir, whatever my views, sentiments, and opinions with regard to the proposition of allowing us to diffuse our slaves over any territory belonging to the United States, they have been before expressed in the Senate, and I do not propose to recapitulate what I have said. It is clear and demonstrable—so at least it seems to me—that the true duty of every man connected with this Government, as a patriot, as a Christian, as a humane man, as a friend to the African race (and I admit no man to be a better friend to that race than I am)—it is the duty of every such man, in my judgment, to permit the diffusion of slave population wherever the climate and mode of cultivation will permit its profitable employment. But to speak to me personally as an indi-

vidual, to appeal to my judgment as a man, about taking measures, in any way looking to a dissolution of this Union, because we are not at liberty to carry slaves to California, New Mexico, or Utah!—why, there seems to be no proportion under heaven between the comparatively small, almost indiscernible premises and the vast and portentous conclusion. I wish Northern gentlemen would think otherwise than they do of this matter of slavery, and the diffusion of the slave population. They take up this idea: slavery is an evil; it is a great evil; it is a physical evil; it is a moral evil: therefore, as soon as possible, we must bring about the abolition of it—must at once adopt measures for that end, or, at any rate, promptly prevent the extension of its area. That is the whole argument. And how does it stand? Why, when gentlemen express these views, and urge the conduct founded upon them, one might suppose them speaking of a world where evils had been heretofore unknown, where every thing had been in harmonious order in the moral and physical state, and suddenly this one single evil had fallen among us to disturb our peaceful condition; and we need but to eradicate it, and restore ourselves at once to universal happiness and virtue! But it is not so. We live, and our race have ever lived, save for a brief space, in the midst of evils necessary, which cannot and ought not to be at once removed. Physical pain is an evil. But yet do we not know that, without looking at the higher moral purposes which it is made to serve, the moment we consider man as a mortal being, subject to various diseases which produce death, if not met by proper remedies, but which may be relieved by their timely application, and regard pain—as in truth it is—the sensation by which nature warns us of the existence of disease, and points out its locality, the whole character of the subject is changed, and what is in itself undeniably an evil, becomes, under the circumstances, an evil, necessary to protect us from a greater, and therefore relatively a good! The necessity of labor—that man should be obliged to work to-day that he may eat to-morrow—is in itself an evil. We know that it is an evil, because it was first pronounced upon man as a punishment for transgression. “In the sweat of thy face shalt thou eat bread.” A curse, a punishment—yet not merely penal, but remedial also; for does not every one see that though in itself it is an evil, yet, in the actual moral condition of man, it is an evil necessary to prevent far greater evils, and therefore a blessing; since we must all perceive that if man, with his present passions and corrupt nature, were turned loose in a world producing spontaneously every thing to maintain his strength and gratify his appetite, he would be a monster of revolting crimes and misery; and therefore this necessity of labor, in itself an evil, becomes incidentally a good. Is it not so with every thing, or nearly every thing? It was very well said by the Senator from Louisiana, (Mr. SOULE,) a few days ago, that government is an evil. It is true, all government is an evil. That one man or twenty men should be authorized to exercise authority over another man as good as themselves is an evil. We know it is in itself an evil. The first institution of any government on this earth was a curse pronounced upon Eve: “Thy desire shall be unto thine husband; he shall rule over thee.” Before that there was no such authority upon this earth. They lived perfectly equal. All government is an evil. The best of government in itself is an evil, because it involves the control of one man over another. But does not every body know that such as man is, there must be government to prevent the most frightful crimes, and consequences the most destructive to every thing that is excellent, virtuous, and desirable upon earth? And this government, in itself an evil, because an evil necessary to prevent worse, becomes a good. We all look upon arbitrary and absolute government as specially an evil, and yet every man knows that even that may be a blessing. If a people are in such a state and circumstances as to be totally unfit to govern themselves, it is far better that they should be governed by one man than be left without any government at all. That is undoubted.

Again, to refer to another instance: polygamy and divorce are evils, undoubtedly evils, because contrary to the original institution of marriage by God himself. They are evils existing amongst a large portion of mankind, and have existed from the earliest times.

Now, what is the course of our friends' reasoning upon their principles respecting this evil of slavery? Why, it must be eradicated; it must be no further diffused; it must not be treated as you would treat aught else; it must not be gently handled, but instantly extirpated, or forcibly circumscribed. Is there any justice in this reasoning? Would it be applied to other objects? Why, sir, this very case of polygamy and divorce to which I have referred existed for hundreds of years under a government established by God himself. It was tolerated; and we have authority for saying it was allowed and tolerated on account only of the hardness of heart of the people for which that government was established. Even in the view of Omnipotence, it was better to permit for hundreds of years the breach of his own institutions, by which one man and one woman were to be united together as man and wife, and for life, than to interfere by law, and restrain the people from habits and usages to which they had been so long accustomed and were so devoted. It is not too much to say, that it was seen by HIM to be impossible, without a miraculous interposition, inconsistent with his designs for the government of free and moral agents, suddenly to change the habits and character of that people. He could not, therefore, do it without sacrificing the ends for which that government was established.

Now, Mr. President, it is said that slavery is in itself an evil. Be it so. Does it follow that it is to be removed? Are we about to set up our rash judgments, and maintain that we cannot endure for an hour what Heaven itself endured under the Jewish theocracy for hundreds of years? When it was said by our Saviour to him who had a withered hand, "Stretch forth thy hand," and he stretched it forth whole, a miraculous power produced health, strength, and restoration. But what should we say if a miserable empiric, seeing that same withered hand, and pronouncing that the withering of a hand was an evil, and ought to be removed, had, by violent manipulations, forced it to its former length? The result would have been seen of this insane folly, in the ruptured vessels, and in the agony of the unhappy sufferer.

Sir, I hold myself to be as decided a friend to the African race as any man in America, and I undertake to lay down two propositions with regard to them as they exist in this country: The first is, that there are no three millions of Africans upon the face of the globe who are, either physically, morally, or intellectually, in as good a condition as the three millions of slaves in the United States. The second is, that there is no man of sense in America, who knows any thing about their condition, and the condition of the country, who believes that their circumstances would be better, or rather would not be infinitely worse, were they now emancipated. Then, what are we to do? Here is the problem to be worked out. My own judgment is, that the true policy of government and people, the true course to be pursued by Christian men, acting in accordance with what we have seen developed in the Divine procedure in the past history of the world, is to allow this institution, (which God has permitted, for some great and good purpose, to be transmitted to our shores,) to diffuse itself where climate and soil invite it—to behave with humanity and consideration to those dependant upon our power, and trust to that wisdom which overrules all things, to discover to us or our posterity how it is to be made productive of higher if not of the highest good. In the mean time any unwise tampering with it is, in my judgment, a proof either of presumptuous ignorance or of great disregard of the well being of the community.

Let me here repeat what was said, and so well said, by the honorable Senator from Louisiana, (Mr. SOULE,) that, when we speak of property in slaves, we do not speak in the same sense as we do when we speak of property in horses and in cattle. We do not mean property in the absolute sense of the term, as excluding all consideration for the subject of that property, except as a thing. Property, in that sense, is not applicable to the nature of the case. We acknowledge our relative duties. We recognise the slave as a fellow-being, inferior in social condition, but yet our fellow-creature.

I do not doubt at all that there is an obligation on every community where this institution exists, when the period shall come in which these restraints can be lessened, more or less, with advantage to the parties who are under them, and without injury to those who have the control—when it can be done so as to produce real and true good—to make that relaxation; just as I believe it to be the duty of the Emperor of Russia, so far and so soon as his people are sufficiently advanced to be capable of taking part in governing themselves, to modify or surrender that supreme and despotic authority which he now exercises over them; but it is sufficient for us to say that that time has not yet come, and cannot yet be foreseen. The time has not come when even initiatory and prospective measures can be looked to. We must, therefore, leave the present generation to struggle on with the difficulties, whatever they may be, that are incident to their position, trusting—for every thing depends, in this respect, upon a higher and a wiser foresight than ours—trusting that in the future—perhaps, probably in the far distant future—good may be worked out of this institution, more than commensurate with all its present evil.

Now, Mr. President, although I have these views—although I entertain them strongly—although I feel deeply what I think is an unauthorized disposition to tamper, with or without improper designs, with our domestic institution of slavery—it is my deliberate opinion that no measures now accomplished, or now threatened, can furnish justifiable, reasonable, or excusable grounds for taking any measures of resistance calculated to lead to a dissolution of the Union. But, sir, there is this I will say: there is a mode of resistance which no man will resort to more cheerfully than I; it is a constitutional resistance; it is standing upon the platform laid down by the honorable Senator from Kentucky, (Mr. CLAY,) of remaining in the Union, and fighting for our rights in the Union.

Now, how are we to do it? It happens, fortunately for us, that, although taking the whole country, we are, on the slavery question, in a minority, there are some cases of legislation in which our Northern friends have a deep interest—in which we are not entirely insignificant. Our friends of the North are exceedingly anxious to have some remedial measures; such as will help their manufactories, and brighten the prospects of their languishing operatives, and give renewed prosperity and happiness to their formerly prosperous and thriving people. Well, sir, I am one of those who believe in the absolute power of Congress over this whole subject. I believe Congress has the power to establish prohibitory, protective, or any duties that Congress may choose. I believe, also, that it is right and proper, when no other considerations intervene, to

use that power so as to give the industrial pursuits of this country a decided advantage over the industrial pursuits of every other country. Now, here were my friend from New Jersey (Mr. MILLER,) and my friend from Rhode Island, (Mr. GREENE,) not long since presenting petitions, in which are strongly depicted the sufferings of their portions of the country for want of adequate protection, and Congress is earnestly called to their relief.

Now, sir, my mode of contending for our rights is a very simple one. It wants the aid of no Nashville Convention, no Southern Convention, no amount of armed men, no disunion, no secession. We just stand right here, and ask for and enforce our reasonable claims. What have we asked of our Northern friends; and how have we asked it? We have used—certainly I have used—no language either of defiance or even of demand. We have been content earnestly and affectionately to ask—yes, to entreat, not insolently to dictate or require. We have said, do not wantonly what you know will be regarded amongst us as affrontful, unkind; do not apply to these Territories the Wilmot proviso. You can have no motive to apply it, unless it be a paltry pride, which leads you to persevere, at all hazards, in what you have once purposed—the simple willingness to offer an affront because you have the power to offer it. There is nothing of value to be accomplished by it, no result to be produced—none in the world. Ours has been simply asking, on the part of men who can hold out no longer, to be permitted to march out of their fortification with their side arms and their flag flying. What has, so far, been the answer—the answer in effect? Surrender at discretion: we care not for your feelings. It is no motive for our action that you have a sensitiveness upon this subject, and that what will offend you is unimportant to us: we will have the Wilmot Proviso; we will vote for it; we will vote for no bill without it.

The Senator from Massachusetts (Mr. DAVIS) candidly avowed his reason for being opposed to the compromise bill to be that it did not contain the Wilmot proviso. It was not the combination of subjects in the bill, it was not the undiscoverable insult to California in putting her alongside of New Mexico and Utah, which dictated his opposition, but the want of the Wilmot proviso.

Mr. DAVIS, of Massachusetts, (in his seat.) I did not say that that was my only ground of objection to the bill.

Mr. BADGER. Not the only ground; but the honorable Senator said that that was with him a sufficient ground. Now, sir, beyond this omission of a useless and amongst Southern men offensive proviso, we have asked only a good and effectual law for the surrender of fugitive slaves—a measure which the Constitution makes a clear and imperative duty—a measure which no man can refuse us without utter disregard of our rights and of constitutional obligations.

Well, then, sir, if they will persist in refusing these most moderate claims—if they will not listen to our remonstrances, but will, from motives of real or affected humanity, disregard the injunctions of the Constitution, and in the wantonness of power insist on unnecessary and offensive legislation, what remedy have we?—or have we any? *Nous verrons*, as a celebrated editor is or was in the habit of saying. Sir, our course under such circumstances is plain. When their applications come into this chamber for relief and assistance for their suffering manufactures—when they present to us an account of the discharge of workmen and the closing of workshops, the drooping of all their industrial pursuits—I will, so far as I am concerned, resist all their applications and reject their petitions. They will be addressed not to unwilling ears, but to ears reluctantly though sternly closed to their appeal by a sense of justice, necessity, and self-protection. Yes, sir; though every manufactory in the North should be stopped, though her whole industrial pursuits should be withered, though her streets should be filled with sturdy beggars, and her asylums and her poorhouses should every where be crowded, her public and private charities oppressed and overburdened, and though the remedy lay in my single vote, that vote should not be given. Not, Mr. President, (God forbid it!) that I should rejoice to look upon their sufferings—not that I wish to mar their prosperity, or that I would deny relief if there were any other possible means by which we could contend for reasonable claims, for just consideration. Reason they reject; persuasion and entreaty they spurn: they answer our claims with their notions, with sentimentality; they treat with scorn our opinions, and judgment, and wishes and feelings. What, then, is left to us, or at least to me? I hold myself as having no right to go out of the Union—no right to destroy it—and I have no wish, if I had the right to do so. Then I must stay here, and, by such means as the Constitution has put in my hands, endeavor to bring our Northern friends to a pause for reflection. Though on this slavery matter they are with a numerical majority in this Union, they cannot protect their industry without Southern help. And where will they get it, if Southern Whig Senators refuse it, according to the intimation of the Senator from Georgia (Mr. BERRIEN) the other day, and according to what I say now for myself, and what I am authorized, I think, to say for my colleague, and what, though not particularly authorized, I have no doubt I may be permitted to say for my other honorable friend from Georgia, now in my eye, (Mr. DAWSON?) If we give them no assistance, can you tell us how they will reani-

mate their interests, and restore again those once glorious palaces of labor in which wealth and prosperity had made their abode, and from which this wealth and prosperity spread over their whole country? They throw us back upon the necessity of refusing them our aid, if they persist in their course. I envy not their prosperity; God knows I do not. I glory in it, and in that noble enterprise which sought out and built it up. But for the duty, the hard duty upon me of using this only legal means of defence and resistance, I would stand ready at all times to help them forward in their career, in a just and reasonable way, which, whilst it builds up themselves, may be giving strength and vigor to our common country.

Mr. President, I do not state what I would do as a threat. Not at all. In the language of my honorable friend from Virginia, (Mr. MASON,) speaking some time ago respecting the State he represents, I simply "declare a *resolved* purpose.

Mr. President, as well from the resolutions of our Legislature, which I have read to the Senate, as from the view I have offered of the propriety of things, in which I hope to find a cordial support at home, I believe, and deem it proper and correct to affirm, that North Carolina will not be found disposed, upon any occasion which is even remotely probable, to look either directly or indirectly to the dissolution of the Union. If I am mistaken, still, sir, here occupying a position as a Senator of the United States, I must act upon every subject which comes before me upon my own deliberate judgment. I acknowledge the right of no man, or set of men, to command, or authoritatively direct my conduct, whether they are the Legislature, or even the People of the State I represent. Whatever respect is due—and great and profound respect is due to their opinions and judgment, and however important an element for consideration that opinion and judgment constitute—still my own conscience and my own understanding must always ultimately rule my own conduct, whenever these come into irreconcilable conflict with the opinions and judgment of others.

One word more, Mr. President, and I will cease to trespass upon the Senate. There is another capacity—the capacity of an individual—in which I wish to say a word or two about my view of the obligations resting upon me. Every gentleman must entertain and act upon his own opinions. I undertake to arraign none. I acknowledge in each a right to entertain, to express, and to act upon his own opinions; I claim only the same privilege for myself. Now, sir, with regard to the obligations under which I stand to the Government of the United States, I entertain views widely different from, if not directly opposite to those intimated by the Senator from Virginia, (Mr. MASON,) and the Senator from South Carolina, (Mr. BUTLER.) Sir, I was born a citizen of the United States—the first breath I drew was as a citizen owing allegiance to the United States. I did not come into this world as a citizen of North Carolina only, and have my allegiance transferred by her act to the United States. I was born a citizen of the United States; I owe allegiance to the United States. The United States is my country; and the Government of the United States the Government of my country. I acknowledge no more a power of disposing of the obligations I have undertaken to discharge to that country and that government, and which I hope I shall endeavor to fulfil—I acknowledge, I say, no more authority in the State of North Carolina to dispose of that obligation than in the State of Virginia or the State of New Hampshire to do it. If the State of North Carolina had not united herself with the other States of the Union under the Constitution—if she had chosen to remain, in the absolute sense, an independent sovereignty, I would have owed allegiance to her, and to her alone; but she thought proper to ratify the Constitution of the United States, by which the whole state of the case was altered. That Constitution is not a mere confederacy—it is a union; it forms a constitutional government, and I owe a paramount allegiance to that government. Why, sir, is not the Constitution express to that effect? Surely it is; and the very form of the oath prescribed for public officers by the State of North Carolina, immediately after her acceptance of the Constitution, declares authoritatively the sense in which she understood the obligation to the new government. By that oath she taught me, when under her laws I took it, on my admission to the bar, that the authority of the United States is supreme, and hers subordinate. By that oath I bound myself to support her constitution, only when not inconsistent with the Constitution of the United States. I was sworn to support the Constitution of the United States unreservedly, and without exception or qualification. Therefore, Mr. President, without undertaking to determine what influence the views and sentiments of the people of my own State might have upon my own judgment as to the propriety of any particular course—for certainly the general opinion of the State in which a man lives is entitled to great weight and influence, and to have a very considerable effect upon him—I must say that I acknowledge no right in the Legislature of North Carolina to exercise the Papal authority of absolving me from my oath, or to transfer my allegiance—to turn me over to Barbary from the United States, or to withdraw my allegiance from the United States and make me simply a citizen of hers. Therefore I should hold myself at liberty—yea, bound by every consideration of duty to myself and country, by that integrity which binds me to maintain and fulfil the oath I have taken—to consider for myself, under any supposed circumstances, whether a case existed of

unmitigated oppression or of dangerous and obstinate usurpation, which constitutes a known and understood exception from the general duty of submission to a government, and justifies the oppressed in falling back upon the natural right of resistance and self-preservation. To my own State I owe love; I owe obedience, but not a blind and unlimited obedience. I owe her a large, and grateful, and devoted attachment. She has generously honored and advanced me beyond any merits of my own, and has thereby added force to the claims which she always had upon me as her native-born son, whose ancestors on one side, for four generations, have lived and died upon her soil. Sir, I acknowledge these claims. I feel all that grateful and devoted attachment, and I hope to be ever ready to prove it by more than words. But I cannot forget that she is but one State of the Union, and that the whole Union is my country. These are my sentiments, and upon these I must act until, by adequate reasons, I am induced to change them. Hence you will perceive, Mr. President, that, looking upon the subject in the light I do, holding a supreme allegiance to be due to the United States, disowning all right, under the Constitution, of secession, and perceiving no reason in any proposed disposition of these questions, to justify or excuse disunion or any form of revolutionary resistance, I have but one mode of defence—but one mode of resistance—but one remedy. That I have mentioned. It is legal, constitutional, orderly, and, applied as I propose, it is just and fair.

With regard to the pending amendment, as I have already indicated, I would prefer California in her full size; but if gentlemen think—if gentlemen representing Southern constituencies think—it will be more acceptable to their people to have California admitted with mutilated limits, and to have a Territorial Government established upon that portion of the territory which may be withdrawn from her jurisdiction, I am ready to vote for it. I do not think it is a matter of great importance. I think the only effect will be that we shall have two free States upon the Pacific sooner than we would by admitting California with her present boundaries. That is the difference. I shall vote for the amendment, but am personally not solicitous about its success or failure.